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PC: 20

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AUG 18 2020

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY

ANTONIA TOMBARI, an individual, and
TROY BRUNER, an individual

Plaintiffs,

v.

STATE OF WASHINGTON, by and through
the WASHINGTON STATE DEPARTMENT
OF CORRECTIONS, a Washington State
Agency; CATHI HARRIS, an individual; JIM
RILEY, an individual; MEGAN SMITH, an
individual; RENEE SCHUITMAN, an
individual; and KRISTOPHER SMITH, an
individual,

Defendants.

NO

20202253-32

SUMMONS

TO: THE ABOVE-MENTIONED DEFENDANTS:

A lawsuit has been started against you in the above-entitled Court by Antonia Tombari and Troy Bruner ("Plaintiffs"). Plaintiffs' claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and by serving a copy upon the person signing this Summons, within twenty (20) days after the service of this Summons, excluding the day of service. If this

SUMMONS: 1

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LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

8/18/20

EXHIBIT B

1 Summons is served upon you outside of Washington state, you must respond to the Complaint
2 by stating your defense in writing, and by serving a copy upon the person signing this
3 Summons, within sixty (60) days after the service of this Summons, excluding the day of
4 service, or a default judgment may be entered against you without notice. A default judgment
5 is one where Plaintiffs are entitled to what they ask for because you have not responded. If you
6 serve a Notice of Appearance on the undersigned person, you are entitled to notice before a
7 default judgment may be entered.
8

9 You may demand that Plaintiffs file this lawsuit with the Court. If you do so, the
10 demand must be in writing and must be served upon the person signing this Summons. Within
11 fourteen (14) days after you serve the demand, Plaintiffs must file this lawsuit with the Court,
12 or the service on you of this Summons and Complaint will be void.
13

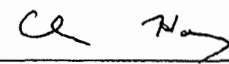
14 If you wish to seek the advice of an attorney in this matter, you should do so promptly
15 so that your written response, if any, may be served on time.

16 This Summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
17 State of Washington.+
18

19 DATED this 18th day of August, 2020.

20 LUKINS & ANNIS, P.S.

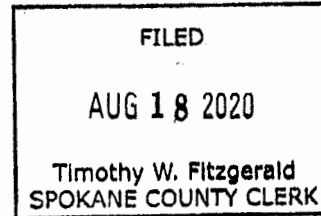
21
22 By


MICHAEL A. MAURER, WSBA # 20230
CHARLES HAUSBERG, WSBA # 50029
COURT A. HALL, WSBA # 54016
Attorneys for Plaintiffs

23
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25
SUMMONS: 2

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LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9355
Fax: (509) 747-2323

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SUPERIOR COURT OF WASHINGTON IN AND FOR SPOKANE COUNTY

ANTONIA TOMBARI, an individual, and
TROY BRUNER, an individual

Plaintiffs,

v.

STATE OF WASHINGTON, by and through
the WASHINGTON STATE DEPARTMENT
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Agency; CATHI HARRIS, an individual; JIM
RILEY, an individual; MEGAN SMITH, an
individual; RENEE SCHUITEMAN, an
individual; and KRISTOPHER SMITH, an
individual,

Defendants.

NO.

COMPLAINT

20202253-32

Plaintiffs, by and through their counsel of record, Lukins & Annis, P.S., and for cause
of action against Defendants, allege as follows:

I. PARTIES

1.1 Plaintiff Antonia Tombari ("Ms. Tombari"), is an individual residing in Spokane
County, Washington.

1.2 Plaintiff Troy Bruner ("Dr. Bruner") is an individual residing in Spokane
County, Washington.

COMPLAINT: 1

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717 W Sprague Ave., Suite 1600
Spokane, WA 99201
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Fax: (509) 747-2323

1 1.3 Defendant State of Washington is a governmental body and at all times material
2 hereto the Defendant Washington State Department of Corrections ("DOC") was an agency of
3 the State of Washington, including for the purposes of RCW 4.92.100.

4 1.4 Upon information and belief, Defendant Renee Schuiteman ("Ms. Schuiteman")
5 is an individual residing in Spokane County, Washington. At all times pertinent to this action,
6 Ms. Schuiteman was operating in her individual capacity and official capacity on behalf of
7 DOC.

8 1.5 Upon information and belief, Defendant Kristopher Smith ("Mr. Smith") is an
9 individual residing in Spokane County, Washington. At all times pertinent to this action, Mr.
10 Smith was operating in his individual capacity and official capacity on behalf of DOC.

11 1.6 Upon information and belief, Defendant Cathi Harris ("Ms. Harris") is an
12 individual residing in Thurston County, Washington. At all times pertinent to this action, Ms.
13 Harris was operating in her individual capacity and official capacity on behalf of DOC.

14 1.7 Upon information and belief, Defendant Jim Riley ("Mr. Riley") is an individual
15 residing in Spokane County, Washington. At all times pertinent to this action, Mr. Riley was
16 operating in his individual capacity and official capacity on behalf of DOC.

17 1.8 Upon information and belief, Defendant Megan Smith ("Ms. Megan Smith") is
18 an individual residing in Spokane County, Washington. At all times pertinent to this action,
19 Ms. Smith was operating in her individual capacity and official capacity on behalf of DOC.

20 1.9 Defendants Ms. Schuiteman, Mr. Smith, Ms. Harris, Mr. Riley, and Ms. Megan
21 Smith are collectively referred to herein as the "Individual Defendants".

22 1.10 At the time of the conduct described herein, Individual Defendants were
23 employees/agents/representatives of DOC and were acting within the course and scope of their
24 employment.

25 //

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A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9355
Fax: (509) 747-2323

1 **II. JURISDICTION AND VENUE**

2 2.1 Plaintiffs re-allege the preceding paragraphs as though fully set forth herein.

3 2.2 This Court has original jurisdiction over this matter pursuant to RCW 2.08.010.

4 2.3 Jurisdiction and venue are proper in Spokane County, Washington, pursuant to
5 RCW 4.12.020 because, *inter alia*, the facts, claims, and causes of action described herein arose
6 in Spokane County, Washington.

7 **III. FACTS**

8 3.1 Plaintiffs re-allege the preceding paragraphs as though fully set forth herein.

9 3.2 Plaintiffs submitted tort claims pursuant to RCW 4.92.100 more than 60 days
10 prior to filing and serving this Complaint.

11 3.3 Ms. Tombari began working as a sex offender treatment specialist for DOC in
12 May of 2017, working in the Sex Offender Treatment and Assessment Program. She worked at
13 the Airway Heights Corrections Center ("AHCC") in Spokane County, Washington. Ms.
14 Tombari's job was protected by, *inter alia*, state law and a collective bargaining agreement. As
15 a result of these protections and among other things, Ms. Tombari's employment could only be
16 terminated for just cause and only if the DOC and its employees followed certain pre-
17 termination procedures and afforded Ms. Tombari sufficient procedural protections and rights.

18 3.4 Dr. Bruner began working as a psychologist for DOC in December of 2016,
19 working in the Sex Offender Treatment and Assessment Program. He worked at the AHCC in
20 Spokane County, Washington. Dr. Bruner's job was protected by, *inter alia*, state law and a
21 collective bargaining agreement. As a result of these protections and among other things, Dr.
22 Bruner's employment could only be terminated for just cause and only if the DOC and its
23 employees followed certain pre-termination procedures and afforded Dr. Bruner sufficient
24 procedural protections and rights.
25

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Spokane, WA 99201
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1 3.5 At all times relevant herein, the Sex Offender Treatment and Assessment
2 Program at AHCC was supervised by Renee Schuiteman. Accordingly, Ms. Schuiteman
3 oversaw the entire program at AHCC and was responsible for supervising and managing its
4 employees and staff, including Plaintiffs, and making personnel decisions.

5 3.6 At all times relevant herein, Kristopher Smith was a supervising sex offender
6 treatment specialist, who functioned as a supervisor to Ms. Tombari.

7 3.7 At all times relevant herein, Jim Riley was a supervisor in Human Resources at
8 AHCC, who handled HR matters pertinent to Ms. Tombari and Dr. Bruner.

9 3.8 At all times relevant herein, Megan Smith was a Diversity and Inclusion
10 Consultant at DOC, who handled HR matters pertinent to Ms. Tombari and Dr. Bruner.

11 3.9 At all times relevant herein, Cathi Harris was DOC's director of the Sex
12 Offender Treatment and Assessment Program for the entire state of Washington and, in that
13 role, oversaw the work of the program's employees and staff. Ms. Harris had responsibilities
14 that included supervising and managing personnel—including Plaintiffs.

15 **MS. TOMBARI**

16 3.10 The sex offender treatment specialists, like Ms. Tombari, were each responsible
17 for the treatment of several incarcerated individuals/clients ("clients"), which included group
18 therapy sessions.

19 3.11 Almost immediately after starting her job, Ms. Tombari began to notice
20 problems with the Sex Offender Treatment and Assessment Program at AHCC. When she
21 notified her supervisors, including Ms. Schuiteman and Mr. Smith, she was silenced,
22 mistreated, or subject to other adverse consequences and repercussions. For example, she
23 observed that a client in the program was not receiving the proper course of treatment. When
24 she mentioned this to her supervisors, her observation and suggestion for the client's proper
25

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717 W Sprague Ave., Suite 1600
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1 care was dismissed and disregarded. Ms. Tombari's observation and suggestion for correct
2 clinical treatment was subsequently held against her by her supervisors.

3 3.12 In another instance, Ms. Tombari began sitting in on group sessions facilitated
4 by another specialist. Ms. Tombari noticed several problems with the treatment that the clients
5 had been receiving, something that became even clearer once Ms. Tombari took over this
6 particular group. Most notably, certain individuals who were on the verge of completing the
7 program (and thus getting closer to being released into the community) were still exhibiting
8 concerning behavior that warranted, among other things, their dismissal from the Sex Offender
9 Treatment and Assessment Program. Ms. Tombari told her supervisors about this. Mr. Smith
10 instructed Ms. Tombari to refrain from documenting these problems in the clients' notes. Ms.
11 Tombari refused this direction, which was against policy, unethical, and antithetical to the
12 objectives of the Sex Offender Treatment and Assessment Program.

13 3.13 When Ms. Tombari asked other specialists why individuals who were not fit for
14 treatment were on the verge of graduating from the program, the other specialists said that it
15 was Ms. Schuiteman's instruction to get offenders through the program—even those who were
16 not qualified for or amenable to treatment. Ms. Tombari subsequently raised this issue with her
17 supervisors, as well, telling them that their supervision of specialists needed to change so that
18 this did not happen again. Ms. Tombari stated that this was an issue of proper management of
19 the program and its specialists. In fact, on information and belief, none of the supervisors and
20 managers at AHCC had the same licensure and credentials as the specialists that they were
21 supervising.

22 3.14 Ms. Schuiteman and Mr. Smith then told Ms. Tombari not to tell anyone else
23 about her concerns regarding their supervision and management of the program. When Ms.
24 Tombari said that she wanted to discuss the aforementioned issues with Cathi Harris—the
25 state-wide supervisor of DOC's Sex Offender Treatment and Assessment Program—Ms.

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LUKINS & ANNIS, PS
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Spokane, WA 99201
Telephone: (509) 455-9355
Fax: (509) 747-2323

1 Schuiteman and Mr. Smith ordered her not to talk with Ms. Harris and threatened her with
2 termination if she did so. In other words, Ms. Schuiteman and Mr. Smith sought to prevent
3 Ms. Tombari from speaking up about the problems at the program at AHCC.

4 3.15 Shortly thereafter, Mr. Smith presented Ms. Tombari with a performance
5 improvement plan. Ms. Tombari took issue with this plan and told Mr. Smith it contained
6 several factual assertions regarding Ms. Tombari's job performance that were fabricated or
7 entirely made up. Ms. Tombari stated these accusations were simply untrue and the criticisms
8 in the plan unfounded. Mr. Smith admitted that Ms. Tombari was right and he withdrew the
9 performance improvement plan. (When Ms. Tombari subsequently asked for a copy of this
10 plan, she was told that it no longer existed in any of DOC's files).

11 3.16 Undeterred, Ms. Schuiteman and Mr. Smith then presented Ms. Tombari with a
12 different performance improvement plan, which was still contrived, fabricated, and/or based on
13 falsehoods.

14 3.17 Concerned by Smith's and Schuiteman's conduct, including but not limited to
15 the foregoing performance improvement plan and other intimidating conduct, Ms. Tombari
16 asked to see her employee file so that she could see what documents (if any) were being placed
17 there by Smith and Schuiteman—including those that Smith/Schuiteman might have created to
18 support the contrived performance improvement plan. Smith and Schuiteman refused to
19 provide Ms. Tombari with her file. Upon Ms. Tombari's multiple requests for her file and
20 requests to contact Cathi Harris, Smith and Schuiteman ordered other employees to ostracize
21 Ms. Tombari.

22 3.18 Smith took other measures to undermine Ms. Tombari. For example, he gave
23 her extensions on certain deadlines to file paperwork. He would then act as if he did not give
24 these extensions and created supervision notes stating that Ms. Tombari failed to meet
25 deadlines.

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A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 435-9555
Fax: (509) 747-2323

1 3.19 Smith and Schuiteman also told Ms. Tombari that other employees were “out to
2 get her” and advocating for her termination. These comments served to make Ms. Tombari feel
3 isolated, undermined, and unsure about her work environment.

4 3.20 Ms. Schuiteman and Mr. Smith further directed Ms. Tombari to refrain from
5 discussing sex offender treatment with psychologists. This directive—which essentially
6 amounted to an order that clients not receive more complete treatment—ran counter to the
7 goals and objectives of the sex offender treatment program.

8 3.21 Ms. Schuiteman and Mr. Smith also directed Ms. Tombari that she could not
9 talk to prison guards on watch command, which not only compromised Ms. Tombari’s safety at
10 AHCC, but again acted as a hinderance to the proper functioning of the program.

11 3.22 During this time, Ms. Schuiteman and Mr. Smith also called Ms. Tombari into
12 their offices on multiple occasions to interrogate, intimidate, and question Ms. Tombari about
13 various non-work topics—namely Ms. Tombari’s personal life. They also insisted on
14 commenting on Ms. Tombari’s appearance. The interrogations included sensitive and
15 irrelevant questions about Ms. Tombari’s family. In other meetings with Ms. Schuiteman
16 and/or Mr. Smith, they would yell at and berate Ms. Tombari, causing Ms. Tombari to visibly
17 shake and cry.

18 3.23 Next, at a subsequent “team-building” retreat, Ms. Schuiteman solicited
19 constructive criticism from employees. Ms. Tombari mentioned that several problems with
20 supervision and training were having a negative impact on the program and sex offender
21 treatment.

22 3.24 When Ms. Tombari arrived at work the following day, she found that none of
23 her colleagues or supervisors (or other employees) would talk to her—on Ms. Schuiteman’s
24 and Mr. Smith’s orders. Ms. Tombari was informed by another supervisor that this was
25 happening because of Ms. Tombari’s comments at the retreat.

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LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

1 3.25 Ms. Schuiteman and Mr. Smith knew that they had no grounds to terminate Ms.
2 Tombari. They also knew that any attempt to terminate or discharge Ms. Tombari would
3 trigger a process and related procedural protections for Ms. Tombari—a process that would
4 reveal that Ms. Schuiteman and Mr. Smith had committed misconduct and wrongdoing.
5 Therefore, Ms. Schuiteman and Mr. Smith resolved that they would attempt to force Ms.
6 Tombari to quit—a tactic that they had employed in the past with other employees who
7 attempted to do their jobs properly, expressed concerns about the leadership or
8 Schuiteman/Smith, and/or sought to improve the program. During this time, on information
9 and belief, Ms. Harris knew about, supported, and encouraged the bad behavior of Ms.
10 Schuiteman and Mr. Smith.

11 3.26 All of these actions took a toll on Ms. Tombari, causing her emotional distress
12 that had physical and other objective symptoms and manifestations. Ms. Tombari became
13 severely ill and experienced, among other things, nightmares, insomnia, fevers, extreme
14 fatigue, abnormal weight gain and weight loss, anxiety, hypervigilance, panic attacks, tension
15 headaches, migraines, back pain, and a weakened immune system. Ms. Tombari sought
16 medical treatment for these symptoms and manifestations of her emotional distress. Ms.
17 Tombari also sought mental health treatment for the psychological distress inflicted by
18 Defendants.

19 3.27 Ms. Tombari then went to human resources to lodge a complaint against Ms.
20 Schuiteman and Mr. Smith. Ms. Harris and the HR Supervisor, Jim Riley, discouraged Ms.
21 Tombari from filing a formal complaint.

22 3.28 However, at this point, Ms. Tombari had heard that Ms. Schuiteman had been
23 harassing employees, creating a hostile work environment, and “freezing out” employees that
24 wanted to address and correct problems in the Sex Offender Treatment Program for years—and
25 that the DOC and the other Defendants knew about it. Ms. Tombari felt obligated to formally

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Fax: (509) 747-2323

1 complain against Ms. Schuiteman and the other employees who were adversely impacting
2 every aspect of the Sex Offender Treatment and Assessment Program at AHCC. Thus, on or
3 about January 12, 2018, Ms. Tombari filed a formal complaint.

4 3.29 Upon filing this complaint, Ms. Harris and Mr. Riley instructed Ms. Tombari
5 that she could not go back to work, but instead must report to and stay in human resources
6 where she could not do her job. That is, Ms. Tombari was sequestered in human resources—
7 and not allowed to perform her job—while Ms. Schuiteman and Mr. Smith were allowed to
8 remain on the job. In other words, Ms. Harris and Mr. Riley sought to punish and isolate Ms.
9 Tombari after she filed a complaint that raised serious questions about the sex offender
10 treatment program. The justification given to Ms. Tombari for this sequestration was that it
11 would only be temporary while DOC investigated Schuiteman and Smith.

12 3.30 Shortly after filing her complaint with DOC, Ms. Tombari filed additional
13 complaints with the State of Washington against Ms. Schuiteman.

14 3.31 Ms. Harris and Mr. Riley assured Ms. Tombari that her time in human resources
15 would be brief and that she would quickly return to her normal job activities. Ms. Megan
16 Smith was assigned to investigate Ms. Tombari's complaint. However, weeks (and then
17 months) passed, and Ms. Tombari was still told to report to human resources. It turned out that
18 DOC was dragging on its investigation in order to sideline Ms. Tombari indefinitely.

19 3.32 The effect of Ms. Tombari being sent to human resources meant that, among
20 other things, she experienced a continually uncertain atmosphere. In addition, she was
21 prevented from doing her actual job as a therapist. She had very little actual work to do (if
22 any). In other words, she was sidelined and isolated. As more time passed, Ms. Tombari began
23 to doubt DOC's intentions to return her to her actual job. In reality, Ms. Harris and the other
24 Defendants did not want Ms. Tombari to return to work. They were trying to get her to quietly
25

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Spokane, WA 99201
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1 quit without any formal process (and without exposing the problems occurring in the sex
2 offender treatment program).

3 3.33 In fact, the effect of Ms. Tombari being sequestered was that the group of
4 patients she was working with were re-assigned to a different therapist mid-treatment—
5 something that is not conducive to proper treatment. To make matters worse, Mr. Smith was
6 the therapist who took over her patients.

7 3.34 After being sidelined for months with no indication that DOC was anywhere
8 near resolving her complaint, Ms. Tombari realized that she would never be returned to her job.
9 Ms. Harris even told Ms. Tombari that she would have no clients or actual work to do. Ms.
10 Tombari was also convinced DOC was never going to do anything about Ms. Schuiteman and
11 Mr. Smith—a message sent by DOC’s refusal to complete their investigation. Finally, Ms.
12 Tombari was still suffering from the emotional distress inflicted by Schuiteman and Smith, and
13 this distress was further exacerbated by DOC’s decision and actions of Ms. Harris, Mr. Riley,
14 and Ms. Megan Smith that resulted in Ms. Tombari being sidelined indefinitely. That is, Ms.
15 Tombari was subjected to an intolerable environment and felt that she had no choice but to
16 tender her resignation. This was done by all of the named Defendants in order to force Ms.
17 Tombari to quit—and to do so without any formal termination-related process/procedure,
18 without Ms. Tombari availing herself of her pre-termination procedural rights as a state/public
19 employee, without completing investigations, without exposing the problems within the sex
20 offender treatment program, and without properly investigating Ms. Tombari’s complaints and
21 problems with the Sex Offender Treatment Program at AHCC.

22 3.35 Upon tendering her resignation, Ms. Harris seemed happy and was overly-
23 supportive of Ms. Tombari’s decision. This was likely because Defendants’ strategy of forcing
24 out Ms. Tombari had succeeded. What is more, Defendants had succeeded in forcing out Ms.
25 Tombari while avoiding making the necessary wholesale changes to the Sex Offender

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LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
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1 Treatment and Assessment Program at AHCC. Defendants had also succeeded in forcing out
2 Ms. Tombari without having to afford her any of the procedural protections to which she was
3 entitled if DOC had sought to terminate her. Ms. Tombari's final day of work was March 16,
4 2018. The adverse effects of Defendants' conduct, however, continued after Ms. Tombari left
5 DOC. As a result of Defendants' conduct, Ms. Tombari suffered emotional distress, as well as
6 economic and non-economic damages.

7 **DR. BRUNER**

8 3.36 After beginning his job at the end of 2016, Ms. Schuiteman was initially friendly
9 to Dr. Bruner. However, she quickly began to treat him improperly and create a hostile
10 environment for Dr. Bruner. This occurred in several ways and continued for the duration of
11 Dr. Bruner's employment.

12 3.37 After a couple of weeks on the job, Dr. Bruner asked Ms. Schuiteman about the
13 tasks that he was to perform and put on his schedule. Ms. Schuiteman declined to give Dr.
14 Bruner any responsibilities or allow him to do any work. Remarkably, Ms. Schuiteman then
15 reported Dr. Bruner to Ms. Harris, accusing Dr. Bruner of being aggressive and demanding in
16 seeking work. Dr. Bruner informed Ms. Harris that Ms. Schuiteman's report was false. On
17 information and belief, Ms. Harris did nothing to inquire into Ms. Schuiteman's false report.

18 3.38 Dr. Bruner ultimately took on various roles. Among them, he was to be
19 involved in interviewing prospective employees. However, after Dr. Bruner ranked a candidate
20 differently than Ms. Schuiteman, Ms. Schuiteman took actions to prevent Dr. Bruner from
21 participating in any further interviews.

22 3.39 Ms. Schuiteman also excluded Dr. Bruner from key activities in the Sex
23 Offender Treatment Program that prevented Dr. Bruner from performing his assigned job. For
24 example, Ms. Schuiteman excluded Dr. Bruner from termination hearings for sex offenders.
25

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A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
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1 She excluded Dr. Bruner from difficult case consultations, another part of Dr. Bruner's job
2 description.

3 3.40 Ms. Schuiteman frequently took action to undermine Dr. Bruner—including by
4 notifying him of important events/meetings with little-to-no notice. Ms. Schuiteman would
5 also fail to respond to Dr. Bruner's written inquiries, including inquiries about accessing
6 records necessary to do his job. This was done with the aim of, *inter alia*, making Dr. Bruner
7 appear incompetent.

8 3.41 Ms. Schuiteman then made additional false reports to Ms. Harris, accusing Dr.
9 Bruner of performing his job deficiently. These included false accusations that Dr. Bruner did
10 not develop relationships with clinicians and therapists in the Sex Offender Treatment program
11 and the false accusation that Dr. Bruner was not making himself available to staff. Dr. Bruner
12 again reported these accusations as false to Ms. Harris and/or other supervisors at DOC. On
13 information and belief, Ms. Harris and DOC did nothing to address Dr. Bruner's concerns.

14 3.42 When Dr. Bruner attempted to communicate directly with Ms. Schuiteman about
15 her false reports and accusations, Ms. Schuiteman told Dr. Bruner that she did not care whether
16 the accusations were true or not and told Dr. Bruner that she felt that he was "defensive."

17 3.43 Ms. Schuiteman's behavior, encouraged and enabled by Ms. Harris and others at
18 DOC, continued unabated. She solicited false information from employees with the aim of
19 creating yet another false/fabricated complaint against Dr. Bruner. This was again done with
20 the aim and intention of harassing Dr. Bruner, undermining him, freezing him out, and forcing
21 him to quit. That is, Ms. Schuiteman was seeking to create a situation where Dr. Bruner would
22 quit without availing himself of the procedural protections that accompanied his job.

23 3.44 Ms. Schuiteman did, indeed, construct another complaint against Dr. Bruner.
24 This fabricated complaint, supported and aided by the other Defendants, created the pretext that
25 Ms. Schuiteman and Ms. Harris were looking for. Ms. Harris then sidelined and marginalized

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1 Dr. Bruner by making him report each day to HR, where he could not perform his job duties.
2 This sidelining was to last until the “investigation” was completed. All the while, on
3 information and belief, Dr. Bruner’s complaints and reports about Ms. Schuiteman’s
4 misconduct were ignored. On information and belief, Dr. Bruner’s complaints were, in fact,
5 intentionally ignored and discounted by, among other people, Ms. Harris.

6 3.45 While DOC told Dr. Bruner that it would expeditiously conduct its investigation
7 into the Schuiteman-created complaint, the investigation dragged on. And it did so in a manner
8 that intentionally damaged Dr. Bruner’s reputation and compromised all of his working
9 relationships at DOC. Defendants acted in a way that eventually made clear to Dr. Bruner that
10 they were seeking to ruin his reputation, destroy his professional status, and embarrass him. On
11 information and belief, this was caused by Defendants’ (including Ms. Harris’) desire to force
12 Dr. Bruner to quit so that, *inter alia*, the status quo could continue under Ms. Schuiteman and
13 others at the Sex Offender Treatment Program at AHCC. It was also caused by Defendants’
14 desire to have Dr. Bruner quit without DOC pursuing the process necessary to terminate his
15 employment—because any legitimate inquiry into Dr. Bruner could not possibly justify his
16 termination.

17 3.46 Ms. Harris created an environment and situation in which Dr. Bruner’s
18 reputation was repeatedly damaged without justification and which made it impossible for Dr.
19 Bruner to work with his colleagues. She then sidelined him so and prevented him from doing
20 his job duties during an investigation that was never-ending. Indeed, the “investigation” never
21 finished. The investigation of Dr. Bruner’s complaints about Ms. Schuiteman never even
22 started.

23 3.47 As a result of the continuous and ongoing harassment, misconduct, and
24 protracted investigation set into motion by Ms. Schuiteman, Ms. Harris, and the other
25 Defendants, Dr. Bruner experienced stress, anxiety, and duress. He was concerned about the

COMPLAINT: 13

LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323

1 constant false allegations that were made about him, the harm done to his reputation, the hostile
2 work environment created by Ms. Harris, Ms. Schuiteman, and Mr. Smith, and the fact that
3 Defendants' actions prevented from doing his job. In other words, the actions of Defendants
4 created an intolerable situation for Dr. Bruner. As a result, he felt compelled to resign from his
5 position. His last day of employment at DOC was September 29, 2017.

6 3.48 Dr. Bruner's resignation was the goal that Defendants—particularly Ms. Harris
7 and Ms. Schuiteman—sought to accomplish. This way, they were able to freeze out and
8 silence Dr. Bruner without having to go through termination proceedings to which Dr. Bruner
9 was entitled (and which would have revealed Defendants' own wrongdoing). In other words,
10 in forcing Dr. Bruner to quit, Defendants were motivated by a desire to force out Dr. Bruner
11 while also avoiding any pre-termination proceedings or other prerequisites that they would
12 have been required to follow if they had sought to terminate his employment.

13 3.49 Dr. Bruner suffered both economic and non-economic damages as a result of
14 Defendants' actions.

15 **IV. CAUSES OF ACTION**

16 **A. FIRST CAUSE OF ACTION: DUE PROCESS VIOLATIONS OF PLAINTIFFS' 17 PROPERTY INTEREST IN EMPLOYMENT UNDER 42 U.S.C. § 1983 (Plaintiffs Tombari and Bruner Against Individual Defendants)**

18 4.1 Plaintiffs re-allege the preceding paragraphs as though fully set forth herein.

19 4.2 Plaintiffs were state/public employees working at DOC in the Sex Offender
20 Treatment and Assessment Program and each had a property interest in their employment as
21 state/public employees. Moreover, each Plaintiff had a property interest that was entitled to
22 due process protections.

23 4.3 Individual Defendants were all state/public employees acting under color of
24 state law.
25

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1 4.4 Through the conduct described above, the Individual Defendants created
2 working conditions that were intolerable to Plaintiffs in order to force them to resign. That is,
3 Individual Defendants constructively discharged Plaintiffs. In so doing, they were motivated
4 by, *inter alia*, a desire to avoid pre-termination procedures and other due process protections to
5 which Plaintiffs were entitled. As a result, the Individual Defendants denied Plaintiffs their
6 procedural due process rights, in violation of their Fifth and Fourteenth Amendment rights
7 under the United States Constitution and 42 U.S.C. § 1983.

8 4.5 Through the conduct described above, Plaintiffs were unconstitutionally denied
9 their substantive due process rights, in violation of their Fifth and Fourteenth Amendment
10 rights under the United States Constitution and 42 U.S.C. § 1983.

11 4.6 Through the conduct described above, Individual Defendants, independently and
12 in concert, did intentionally and/or knowingly act to deprive Plaintiffs of their procedural and
13 substantive due process rights, in violation of their Fifth and Fourteenth Amendment rights
14 under the United States Constitution and 42 U.S.C. § 1983.

15 4.7 Due to the Individual Defendants' conduct, Plaintiffs suffered economic and
16 non-economic damages in amounts to be proven at trial.

17 4.8 Plaintiffs are entitled to recover their reasonable attorney fees, costs, and
18 disbursements pursuant to 42 U.S.C. § 1988.

19 **B. SECOND CAUSE OF ACTION: WRONGFUL DISCHARGE IN VIOLATION**
20 **OF PUBLIC POLICY**
(Plaintiff Tombari Against All Defendants)

21 4.9 Plaintiff Ms. Tombari re-alleges the preceding paragraphs as though fully set
22 forth herein.

23 4.10 The public policy of the State of Washington, with regard to conduct alleged
24 herein, provides but is not limited to, protecting employees who are discharged in retaliation for
25

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LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
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1 reporting employer misconduct that (1) violates the law, (2) is an abuse of authority, (3) is a
2 substantial and specific danger to the public health or safety, or (4) is a gross waste of public
3 funds. See RCW 42.40.020(3).

4 4.11 Plaintiff Tombari made reports of violations of one or more of the public
5 policies set forth above to the DOC, Ms. Schuiteman, Mr. Smith, and Ms. Harris. Plaintiff
6 Tombari's reports were directly in the service and enforcement of such public policies.
7 Following those reports, Plaintiff Tombari was retaliated against, suffered reprisals and was
8 constructively discharged from employment after Defendants made Plaintiff Tombari's
9 working conditions intolerable. Plaintiff Tombari's reports of violations of public policy were
10 a substantial and/or a motivating factor for such retaliation, reprisals, and constructive
11 discharge.

12 4.12 As a direct and proximate result of the conduct of Defendants, Plaintiff Tombari
13 has been damaged and injured in an amount to be proven at trial.

14 **C. THIRD CAUSE OF ACTION: OUTRAGE / INTENTIONAL INFLICTION OF**
15 **EMOTIONAL DISTRESS**
16 **(Plaintiff Tombari Against All Defendants)**

17 4.13 Plaintiff Ms. Tombari re-alleges the preceding paragraphs as though fully set
18 forth herein.

19 4.14 Defendants' conduct toward Ms. Tombari was extreme and outrageous,
20 intentional and/or reckless.

21 4.15 Defendants' conduct was the proximate cause of Ms. Tombari suffering severe
22 emotional and mental anguish and distress that had objective symptoms and manifestations,
23 including, but not limited to, physical illness, nightmares, insomnia, extreme fatigue, abnormal
24 weight gain and weight loss, anxiety, hypervigilance, panic attacks, migraines, back pain, and a
25 weakened immune system.

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LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
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1 4.16 As a direct result of the Defendants' intentional infliction of emotional distress
2 or outrage, Ms. Tombari has been damaged in an amount to be proven at trial.

3 **D. FOURTH CAUSE OF ACTION: NEGLIGENT INFLECTION OF EMOTIONAL**
4 **DISTRESS**

(Plaintiff Tombari Against All Defendants)

5 4.17 Plaintiff Ms. Tombari re-alleges the preceding paragraphs as though fully set
6 forth herein.

7 4.18 Defendants owed a duty to Ms. Tombari under Washington law to refrain from
8 conduct that would unreasonably inflict emotional distress upon her.

9 4.19 Defendants breached this duty.

10 4.20 Defendants' conduct was the proximate cause of Ms. Tombari suffering
11 emotional distress that had objective and severe manifestations and symptoms, including, but
12 not limited to, physical illness, nightmares, insomnia, extreme fatigue, abnormal weight gain
13 and weight loss, anxiety, hypervigilance, panic attacks, migraines, back pain, and a weakened
14 immune system. Ms. Tombari sought medical treatment for this emotional distress.
15 Defendants' conduct was not done in furtherance of legitimate work-related topics.

16 4.21 Ms. Tombari was a foreseeable plaintiff because Defendants' conduct was
17 directed toward her.

18 4.22 As a direct result of Defendants' actions, Ms. Tombari suffered damages in an
19 amount to be determined at trial.

20 **V. PRAYER FOR RELIEF**

21 WHEREFORE, Plaintiff demands judgment as follows:

- 22 1. For a judgment in favor of Plaintiffs in an amount to be proven at trial.
23 2. That the judgment entered herein bear interest at the legal rate.
24
25

COMPLAINT: 17

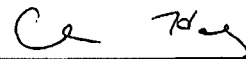
LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
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Telephone: (509) 455-9555
Fax: (509) 747-2323

1 3. For attorneys' fees and costs as permitted by applicable statutes, court rules,
2 and/or case law, including but not limited to 42 U.S.C. § 1988.

3 4. For any other relief that may be just and permitted by law.

4
5 DATED this 18th day of August, 2020.

6 LUKINS & ANNIS, P.S.

7
8 By 
9 MICHAEL A. MAURER, WSBA # 20230
10 CHARLES HAUSBERG, WSBA # 50029
11 COURT A. HALL, WSBA # 54016

12 Attorneys for Plaintiffs
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LAW OFFICES OF
LUKINS & ANNIS, PS
A PROFESSIONAL SERVICE CORPORATION
717 W Sprague Ave., Suite 1600
Spokane, WA 99201
Telephone: (509) 455-9555
Fax: (509) 747-2323